

REMARKS/ARGUMENTS

Applicant submits this amendment in response to the Office Action mailed December 20, 2005. A petition for a one-month extension of the term for response to said Office Action, to and including April 20, 2006, is transmitted herewith.

Applicant respectfully requests reconsideration and allowance of claims 1-5, 7-11, 13-17 and 19-20 are still pending in this application. Applicant has amended claims 1-2, 7-8 and 13-14. No new matter has been added by these claim amendments.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. 37 CFR 1.75(d)(1) and MPEP §608.01(o). The Examiner has required proper antecedent basis for the teaching that the ingress are overlies at least a substantial portion of an outermost portion of the peripheral impact region relative to the center of rotation and for the teaching that the ingress area is shaped so as to overlay at least a distal end of the impact region.

The specification provides this antecedent basis by referring to Fig. 4, wherein "ingress area 28 may preferably be sized and/or shaped to overly one or more impact regions 32 without overlapping center of rotation 46... Irrespective of the particular shape of ingress area 28, when cover 22 is operatively connected to container 24 and container 24 operatively connected to base 26, ingress area 28 preferably overlies one or more impact regions 32. More preferably, ingress area 28 overlies the impact region 32 at periphery 56 of processing tool 30, or in the case of

blades 50, the outermost impact region 32 at each distal end 54 thereof." (Application Figs. 4-5; page 9, line 14 to page 10, line 2.) As such, applicant respectfully requests that this objection be withdrawn.

The Examiner has required proper antecedent basis for the teaching that the processing effect is selected from the group consisting of cutting, slicing, chopping, grinding, mincing, dicing, hashing, pureeing, liquefying, mixing, and any combinations thereof. The specification provides this antecedent basis by describing wherein "[e]ach blade 50 may preferably have at least one impact point, area or region 32 at which such blade directly interacts with or impacts foodstuff to accomplish a desired processing effect (e.g., cut, chop, slice, dice, etc.)." (Application at page 8, lines 3-6). Furthermore, these types of processing effects are well known to those persons having ordinary skill in the art. As such, applicant respectfully requests that this objection be withdrawn.

Claims 5, 11, and 17 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner has alleged that the specification does not provide support for the teaching of "said processing effect is selected from the group consisting of cutting, slicing, chopping, grinding, mincing, dicing, hashing, pureeing, liquefying, mixing, and any combinations thereof," as recited in claims 5, 11 and 17.

As previously noted, the specification provides this support for this teaching by describing wherein "[e]ach blade 50 may preferably have at least one impact point, area or region 32 at which such blade directly interacts with or impacts foodstuff to accomplish a desired

processing effect (e.g., cut, chop, slice, dice, etc.)." (Application at page 8, lines 3-6). Furthermore, these types of processing effects are well known to those persons having ordinary skill in the art. As such, applicant respectfully requests that this rejection be withdrawn.

Claims 1-5, 7-11, 13-17 and 19-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Brady et al. (U.S. Patent 6,748,853), hereinafter Brady. Claim 1 provides a cover assembly for a food processing appliance comprising a cover for cooperating with a container, and an accessory for cooperating with the ingress area. The container cooperates with an operating base, the cover has an upper side with a predefined ingress area, and the operating base has a rotating tool with a center of rotation and a peripheral impact region. The peripheral impact region is radially distanced from the center of rotation. The ingress area has a cross-sectional area substantially equal to half that of a lower side of said cover, and the ingress area does not overlap the center of rotation.

Brady discloses a food processor having a main body member 10 that includes a base member 12 (col. 6, lines 19-20). Base member 12 has an upper surface 14 on which a bowl or mixing vessel 16 can be positioned (col. 6, lines 20-22). Bowl 16 has a central, upwardly extending, hollow tubular member 24 that fits over a drive shaft 18 (col. 6, lines 25-27). Drive shaft 18 has an uppermost portion 25 which extends into a bushing 33 in a lid or closure member 32 when bowl 16 is placed onto base member 12 over shaft 18 (col. 6, lines 28-34).

A cutter 26 has a hollow body 90 which fits over tubular member 24 and an inner tubular shaft 92 which fits

over the drive shaft 18 (col. 6, lines 49-52). Cutter blades 98 are attached on the outer surface of the lower cutter 26 (col. 8, lines 5-7). Lid 32 fits on to bowl 16, and includes a delivery chute 36 at one side and a feed tube 38 extends upward from the top of lid 32 (col. 6, lines 53-58). A pusher 54 can be provided for pushing material down the feed tube 38 (col. 7, lines 12-13).

Brady, however, does not disclose wherein the ingress area has a cross-sectional area substantially equal to half that of a lower side of said cover, as recited in claim 1 of the instant application. Brady nowhere implies or specifies a preferred cross-sectional area of the feed tube. In addition, although Brady does not specify a preferred size of an opening, the feed tube 38 shown in Fig. 11 clearly appears much smaller than half that of the cover. In fact, Fig. 11 appears to show the feed tube 38 as being less than one quarter the size of the cover. As seen in attached, marked-up Fig. 11, the lower side of the cover has been split into quarters. One quarter of lower cover D has been defined by lines x and y. Ingress area C would clearly fit within this area α . As such, Brady not only fails to specify a preferred size of an opening, but shows it as being clearly less than one quarter the size of the lower cover, rather than any measurement even approaching one half. As such, applicant respectfully requests that this rejection be withdrawn.

The rejection as to claims 2-5 should also be withdrawn, inasmuch as each of these claims depends, directly or indirectly, from claim 1.

Independent claims 7 and 13 include recitals similar to claim 1. Therefore, for at least reasoning similar to

that provided in support of the patentability of claim 1, claims 7 and 13 are patentable over Brady.

Claims 8 through 11 depend from claim 7, and claims 14 through 17, 19 and 20 depend from claim 13. For at least reasoning similar to that provided in support of the patentability of claims 7 and 13, claims 8 through 11, 14 through 17, 19 and 20 are also patentable over Brady.

Applicant respectfully requests favorable consideration and that this application be passed to allowance.

Respectfully submitted,

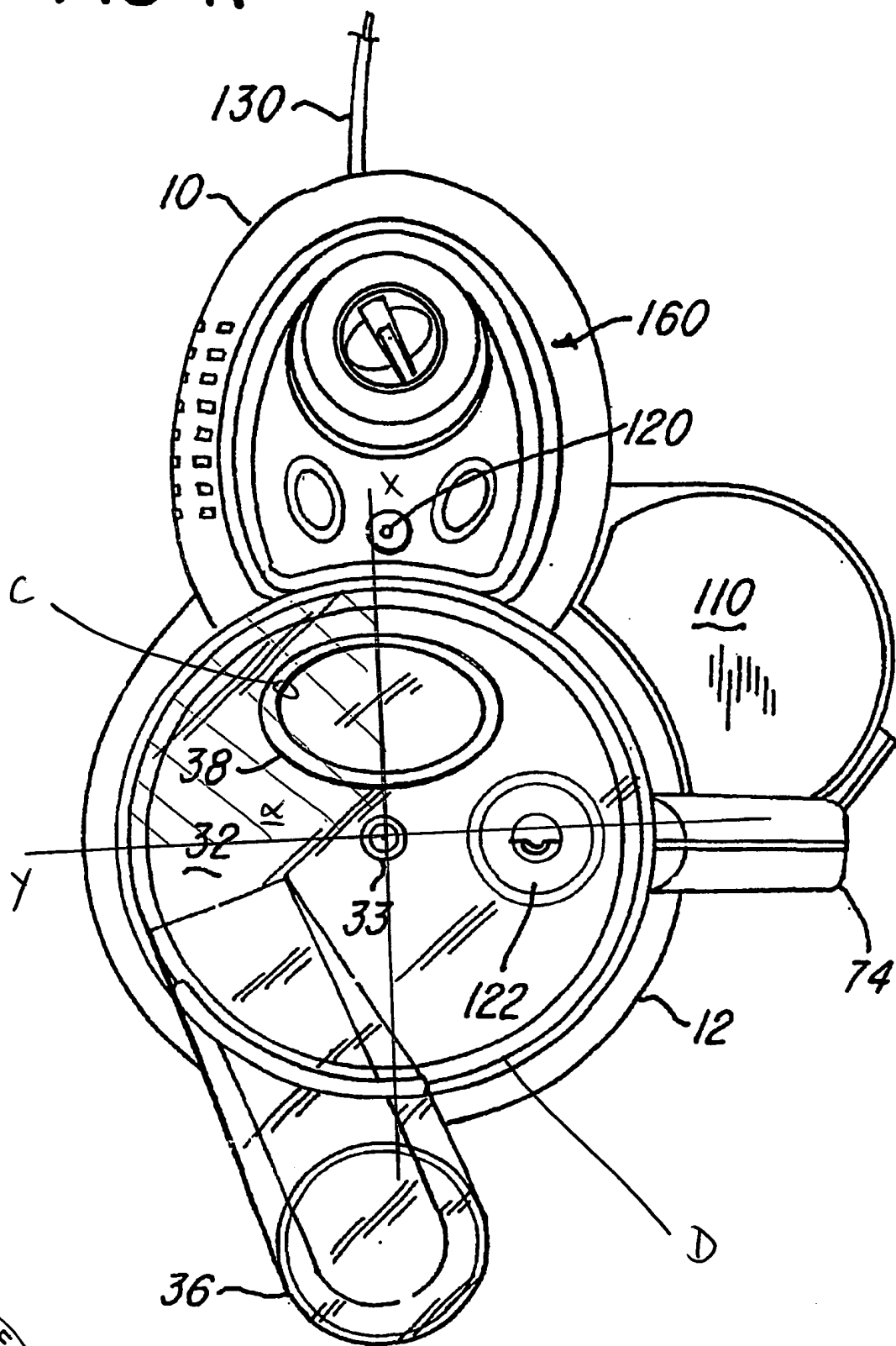
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Steven A. Garner, Esq.
Registration No. 52,475
Attorney for Applicants
Conair Corporation
One Cummings Point Rd
Stamford, CT 06902
Tel: (203) 921-2844

FIG-11





Application S.N./Registration No.: 10/738364
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